

Mr. Jewett moved to amend by adding the following additional section.

"SEC. 4. That the Governor furnish a copy of these Resolutions to each of our Senators and Representatives in Congress.

Adopted.

The Joint Resolution was then ordered to be engrossed.

On motion of Mr. Williamson,

The rule was suspended, Joint Resolution read third time and passed.

A bill to be entitled an act to incorporate the Trinity Navigation company.

Read second time: and,

On motion of Mr. Parker made the special order of the day for Wednesday next.

Joint Resolution for the relief of Louis Sanchez.

Read second time: and,

On motion of Mr. Jewett referred to the committee on Finance.

A bill to be entitled an act for the relief of Moses Evans, surviving administrator of H. S. Williamson, deceased.

Read second time and ordered to be engrossed.

On motion of Mr. Phillips.

The Senate adjourned until half past 9 o'clock, Monday morning.

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Monday, 9 1-2 o'clock. A. M.  
February 21, 1848.

The Senate was called to order by the President.

The following Senators answered to their names:

Messrs. Abbott, Brashear, Bache, Burleson, Clark, Cuny, Dancy, Gage, Grimes, Jewett, Fitzgerald, McRae, Navarro, Parker, Perkins, Phillips, Wallace, Williams, Williamson and Wooten.

Quorum present.

The Journal of Saturday was read and adopted.

Mr. Perkins, chairman of the committee on Engrossed Bills, reported as correctly engrossed the following bills and joint resolutions, viz.:

A bill to be entitled an act to authorize John H. Reagan and his associates to open and construct a turnpike road from the town of Buffalo, on the Trinity river, across the bottom, to the high land on the west side, in the direction to the town of Corsicana :

A bill to be entitled an act for the relief of Moses Evans, surviving administrator of H. S. Williamson, deceased :

A bill to be entitled an act for the relief of Kisiah Taylor, whose maiden name was Kisiah Cryer :

A bill to be entitled an act for the relief of those who have purchased lots in the city of Austin, and tract adjoining : and

A joint resolution instructing our Senators and requesting our Representatives to procure the passage of an act of Congress concerning the establishment of a temporary line of military posts, and relative to trade and intercourse with Indians.

Mr. Phillips, chairman of the committee on Education, made the following report :

"The committee on Education, to whom was referred a bill to incorporate Williamson Academy, have had the same under consideration, and instruct me to submit the same with the following amendment, and recommend its adoption and the passage of the bill.

Strike out the proviso in the 1st section."

Mr. Parker, Chairman of the Committee on Claims and Accounts, made the following Report :

"The committee on Claims and Accounts, to whom was referred the claim of James Alexander Penjarvis, for the loss of a horse in the service of Texas, in the year 1835, have examined the same, and instructed me to report :

That it is inexpedient for the Legislature to form itself into an auditorial board to legislate on all such claims, while it is



in contemplation to erect or establish a tribunal for that purpose: therefore your committee ask to be discharged from its further consideration."

Mr. Brashear offered the following resolution:

*"Resolved, That the Secretary be required to read on each day, before the adjournment of the Senate, a list of all the bills, resolutions and other matters laid upon the table, and of the business made the special order for a certain day."*

Adopted.

Mr. Jewett introduced a bill to be entitled an act to define the time of holding the Courts in the third Judicial District.

Read first time.

A message was received from the House of Representatives, informing the Senate that the House had adopted the substitute of the Senate for a bill to be entitled an act to create the county of Hays:

Also, that the House had concurred in the amendments of the Senate to the following bill and joint resolution, which originated in the House, viz.:

A bill to be entitled an act to establish the county seat of Denton county: and

Joint resolution in behalf of Edward A. Weyman, a resident citizen of the county of Nueces:

And also that the House had passed the following bills and joint resolution, viz.:

A bill to be entitled an act better defining the southern boundary line of Collin and Denton counties, and northern boundary line of Dallas and Henderson counties.

A bill to be entitled an act to amend an act creating the county of Polk, approved March 30, 1846:

A bill to be entitled an act appropriating certain fines and forfeitures:

A bill to be entitled an act better to define the boundaries of Walker county:

A bill to be entitled an act to require all Mayors and Records of incorporated towns and cities, to call a jury in the



trial of causes when the accused is subject under the law to fine and imprisonment, or either,

A bill to be entitled an act to authorize Jacob F. Winfree to adopt Zachary Taylor Long, as his lawful child :

A bill to be entitled an act to provide for deductions from the salaries of Judges of the Supreme and District Courts, and District Attorneys of this State, who may neglect the performance of certain duties assigned them by law :

A bill to be entitled an act to define the boundaries of Comal county :

A bill to be entitled an act to amend an act entitled an act for the relief of master builders and mechanics of Texas, approved January 23d, 1839 :

A bill to be entitled an act for the relief of Thomas J. Steel : and

Joint resolution to validate the election of Mayor and Aldermen for the city of New Braunfels.

The Senate proceeded to the orders of the day.

On motion of Mr. Phillips, a bill to be entitled an act to create the county of Caldwell, was taken up and read, together with the report of the committee on Counties and County Boundaries, offering a substitute therefor.

Report adopted, and bill passed to a third reading.

Resolution of the House relative to going into the election of a Commissioner of the General Land Office, was read, and

On motion of Mr. Grimes, laid upon the table.

Joint resolution for the relief of William Plucker.

Read third time and passed.

A bill to be entitled an act to authorize Sarah Ann Kelton, wife of Oliver P. Kelton, a lunatic, to make valid conveyances of her real estate and negroes,

Read third time and passed.

On motion of Mr. Fitzgerald,

A bill to be entitled an act to change the names of the counties of Cameron, Starr and Webb, was taken up and read, together with the report of the committee on Counties and County Boundaries, offering a substitute therefor.

Report adopted, and bill ordered to be engrossed, by the following vote :

Yeas—Messrs. Abbott, Bache, Gage, Grimes, Fitzgerald, McRae, Navarro, Wallace, Williams, and Wooten—10.



Nays—Messrs. Brashear, Clark, Cuny, Dancy, Jewett, Perkins and Phillips—7.

Joint resolution making an appropriation for the payment of the pro rata pay due E. W. Moore, Post Captain commanding late Texas Navy, under the provisions of an act of Congress of the Republic of Texas, approved 5th February, 1844, was Read third time.

Mr. Gage moved a call of the Senate.

On motion of Mr. Williamson, a further call was suspended.

The yeas and nays were then called on the passage of the joint resolution, and stood as follows :

Yeas—Messrs. Bourland, Bache, Burleson, Clark, Gage, Jewett, Fitzgerald, Navarro, Perkins, Phillips, Williams, Williamson and Wootten—13.

Nays—Messrs. Brashear, Cuny, Dancy, Grimes, McRae, Parker and Wallace—7.

The President decided that the joint resolution was lost—because under the 8th section of the General Provisions of the Constitution, a bill making an appropriation for private purposes, requires a vote of two-thirds to pass it, and two-thirds not having voted for its passage.

Mr. Phillips appealed from the decision of the President.

On motion of Mr. Clark, the appeal was laid on the table until to-morrow.

A bill to be entitled an act to amend an act to incorporate the Colorado Navigation Company, was read second time.

Mr. Williamson moved to amend by striking out all after the word "otherwise," in the 5th section.

Adopted.

Mr. Williamson moved to amend the 13th section, by striking out "said" before "Governor," and inserting "the:" and after "Governor," inserting the words "of the State and," and by adding the following at the end of the 13th section: "and all laws and parts of laws conflicting with the provisions of this act, be and the same are hereby repealed, and that this act take effect from and after its passage."

Adopted.

A bill to be entitled an act for the relief of the widow and heirs at law of Major James L. Holmes, deceased.

Read third time and passed.



A bill to be entitled an act to incorporate the town of Springfield.

Read third time and passed.

Joint resolution for the relief of J. W. E. Wallace.

Read third time and passed.

A bill to be entitled an act to legalize the marriage of Eli Gray with Ann Eliza Gray.

Read third time and passed.

Senators Parker and Gage entered the following protest against the passage of a bill to be entitled an act to establish the Judicial Districts of the District Courts.

Senate Chamber,  
February 21, 1848.

Hon. J. A. GREER,  
*President of the Senate:*

The undersigned, availing themselves of their constitutional privilege, do solemnly protest against the action of the Senate in passing "a bill to be entitled an act to establish the Judicial Districts of the District Court, for the following reasons:—

First, said bill, without necessity or any urgent reason, dismembers the Sixth Judicial District, and distributes the same into three parts, not only without the request, but against the known wishes of the entire body of the people of that district as manifested by the authorized assurances of their delegation in both branches of the Legislature.

Second, this division is the more inappropriate, inconvenient and oppressive, because it separates all the other counties of said district, but one from the county of Nacogdoches, with which they have all hitherto been connected by being in the same Judicial District since the organization of the first District Courts under the Republic of Texas, most of them, by the tie of a common District Land Office, located at that place, and all by the consideration that they once formed a part of her territory, and have still kept up their acquaintance and social and business intercourse to a very great extent with her bar and people.

Thirdly.—The said bill attaches the counties thus separated to other counties and districts with which the bar and people



said Sixth Judicial District have heretofore had little or no intercourse or connection.

Fourth.—By dividing said district into three parts, said bill will deprive the people thereof of the benefit of the services of lawyers, who have been engaged in their causes for years, (yet undisposed of,) and who have, in many instances, been paid by their clients for attending to the same throughout, thus operating most oppressively and injuriously both upon the people and bar of said district.

Fifth.—That instead of the people of the Sixth Judicial District receiving a corresponding benefit from the creating of two additional districts, which will cost the State an additional sum, annually, of four thousand five hundred dollars, they have been by that bill torn asunder, and thrown some counties off said district with the extreme upper counties on Red river, forming a string of counties up and down the Trinity river, a distance not far short, if any, of three hundred miles, while other counties are thrown with Northeastern counties to the extreme eastern boundary of the State: and other counties are thrown with those to the East and Southeast down the Sabine to near its mouth, thus instead of connecting and more compact arranging the districting for the convenience and benefit of the people and bar as well as to enable the Judges to discharge of the duties of the bench, the creating of two new districts, and in the passage of said bill has made the Sixth Judicial District its victim, and as the bursting bomb thrown said district to the three extremes as set forth above. For these and many other good reasons, we solemnly protest against the passage of said bill.

ISAAC PARKER,  
D. GAGE.

A message was received from his Excellency, the Governor, presenting a communication in writing, which,

On motion of Mr. Perkins, was read; and,

On motion of Mr. Phillips, made the special order of the day for Wednesday next.

A bill to be entitled an act prescribing in what cases the Governor may remit fines and forfeitures.

Read third time and passed.

A bill to be entitled an act to remove the Land Office of the



Robertson Land District from Franklin, in Robertson county, to Springfield, in Limestone county.

Read third time and passed.

A bill to be entitled an act to continue in force an act for the relief of those who have purchased lots in the city of Austin and tract adjoining.

Read third time and passed.

A bill to be entitled an act for the relief of Moses Evans, surviving administrator of H. S. Williamson, deceased.

Read third time and passed.

A bill to be entitled an act for the relief Kisiah Taylor, whose maiden name was Kisiah Cryer.

Read third time and passed.

A bill to be entitled an act to authorize John H. Reagan and his associates to open and construct a Turnpike Road from the Town of Buffalo, on the Trinity river, across the bottom to the high land on the west side, in the direction to the town of Corsicana.

Read third time and passed, by the following vote :

Yeas—Messrs. Bourland, Brashear, Bache, Burleson, Dancy, Gage, Grimes, Jewett, Fitzgerald, Navarro, Parker, Phillips, Wallace, Williams, Williamson and Wooten—16.

Nays—None.

A bill to be entitled an act to allow set-offs in certain cases.

Read second time.

Mr. Brashear moved to amend by string out "certain cases," and inserting "one case."

Rejected.

Mr. Wallace moved to amend by striking out the words "or State" in fifth line of first section.

Rejected.

Mr. Jewett moved to amend by inserting after the word "purchase" in second section, "nor any other than such as shall be due and owing to the party to such suit, or judgment at the time of the commencement of the suit."

Adopted.

Mr. Jewett moved to amend by striking out "amount" and inserting "value" in first line, tenth section.

Adopted.

Mr. Wallace offered a substitute for the bill.



Mr. Brashear moved to refer the bill and substitute to the committee on Finance.

Lost.

Question then recurred on the adoption of the substitute offered by Mr. Wallace, which was rejected.

Mr. Brashear moved to amend by inserting the word "market" between the words "equal" and "value."

Rejected.

Mr. Williams moved to amend by inserting after the word "pay," in the proviso, "in par funds;" and after the word "costs," the words "and expenses."

Adopted.

The bill was then passed to a third reading.

Mr. Wallace, by leave, introduced a bill to be entitled an act for the relief of David F. Webb.

Read first time.

On motion of Mr. Wallace, the rule was suspended, bill read second time, and referred to the committee on Claims and Accounts.

A message was received from his Excellency, the Governor, presenting a communication in writing, which was,

On motion of Mr. Williams, read, and,

On motion of Mr. Phillips, made the special order of the day for Wednesday next.

On motion of Mr. Phillips, the nomination of John Henry Brown, for Notary Public was taken up, and made the special order of the day for Wednesday next.

A bill to be entitled an act, supplemental to an act, entitled "An act, to regulate proceedings in the District Courts," approved 13th May, A. D. 1846, was read second time, and,

On motion of Mr. Wallace, referred to the committee on the Judiciary.

A bill to be entitled an act to incorporate Berkely Academy, of Montgomery county.

Read second time, and,

On motion of Mr. Grimes, referred to the committee on Education.

A bill to be entitled an act to incorporate the town of Mount Pleasant, in Titus county.

Read second time, and,

On motion of Mr. Williams, referred to the committee on State Affairs.



A bill to be entitled an act to incorporate the town of Palestine, in the county of Anderson.

Read second time, and ordered to be engrossed.

A bill to be entitled an act to amend the several acts incorporating the city of Houston.

Read second time, and,

On motion of Mr. Brashear, referred to a select committee.

Messrs. Brashear, Parker and Williams were appointed said committee.

A bill to be entitled an act incorporating the Houston Mechanics' Institute.

Read second time, and,

On motion of Mr. Brashear, referred to the committee on State Affairs.

Joint resolution for the relief of Ford & Cronican:

Read second time, and,

On motion of Mr. Phillips, referred to the Committee on Finance.

Joint resolution confirming a certificate for one league and one labor of land, issued to John Vanderworth, by the Board of Land Commissioners of Austin county.

Read second time, and,

On motion of Mr. Cuny, referred to the Committee on Private Land Claims.

A bill to be entitled an act to provide for the Exchange of Books, Maps, Charts, &c.

Read second time, and,

On motion of Mr. Gage, referred to the committee on State Affairs.

A bill to be entitled an act to make an improved charter for Goliad city.

Read second time, and,

On motion of Mr. Cuny, referred to the committee on the Judiciary.

Joint resolution for the relief of Robert H. Beall, who was permanently disabled in the service of the country, together with the report of the committee on Private Land Claims thereon, was read, and,

On motion of Mr. Williams, laid upon the table.

On motion of Mr. Brashear, the Senate adjourned until half-past 9 o'clock, to-morrow morning.